



North Central Regional Transit District (NCRTD)

Resolution 2013-17

**A RESOLUTION REGARDING SOCIAL SECURITY COVERAGE
FOR THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT**

WHEREAS, under the provisions of NMSA 1978, Section 10-14-1 et. seq. (1995) as amended, and 42 United States Code 418, as amended, governmental entities of this State may enter into Agreements with the Public Employees Retirement Association of New Mexico, the agency of the state of New Mexico designated by the governor to administer the Social Security Coverage Act, and secure the benefits of Federal Old-Age, Survivors, Disability and Health Insurance (Social Security coverage or Health Insurance only), as outlined in said laws; and

WHEREAS, it is the opinion of the governing body of the North Central Regional Transit District that the extension of this Old-Age, Survivors, Disability and Health Insurance System will be of benefit not only to the employees of the North Central Regional Transit District itself by attracting to it and enabling it to retain the best of personnel and thus increase the efficiency of its government; and it is deemed and is hereby declared that the payment by the North Central Regional Transit District of its portion of the cost of said system is a payment for purposes for which it was created; and

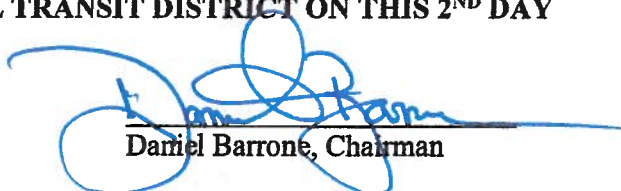
WHEREAS, it is the desire of the governing body of North Central Regional Transit District to authorize the making of any and all necessary Agreements in order to secure the benefits of said acts; therefore,

NOW, THEREFORE, BE IT RESOLVED by the North Central Regional Transit District Board of Directors:

1. That the governing body, acting for and on behalf of the North Central Regional Transit District, shall enter into all necessary Agreements with the Social Security Administrator for the State of New Mexico for the purpose of carrying out the provisions of the above-mentioned acts.
2. That an individual choice vote referendum will be held on November 5, 2013 on the question of whether or not North Central Regional Transit District employees who belong to the Public Employees Retirement Association of New Mexico retirement plan want to secure the benefits of Federal Old-Age, Survivors, Disability and Health Insurance.

3. That Anthony J. Mortillaro, Executive Director is hereby appointed as Agent of the North Central Regional Transit District to execute all necessary Agreements and instruments for and in behalf of said governing body and the North Central Regional Transit District.
4. That a sufficient sum of money be allocated from available funds for the purpose of carrying out the provisions of the above-mentioned acts.

**PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF
THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 2ND DAY
OF AUGUST, 2013.**



Daniel Barrone, Chairman

Approved as to form:



Peter Dwyer, Counsel

Districts

Process for Individual Choice Referendum

Note: No District can begin the referendum process without first having submitted the district's governing documents and the Social Security Reporting Questionnaire to the State Social Security Administrator. The administrator will review the district's documents and notify the district when it has been approved to hold a referendum.

Under an individual choice referendum, each employee who is covered by the Public Employees Retirement Association (PERA) on the date the notice of referendum is given, and who continues in that status through the date of the referendum, is eligible to vote in the referendum.

Once the election is concluded, members of its retirement system are divided into two groups for Social Security coverage purposes – those employees wanting to continue with Social Security coverage and those who opt out of coverage. The conditions for holding a referendum are as follows:

- Voting is conducted on a written ballot.
- Opportunity to vote must be given and limited to those eligible employees who are members of PERA.
- Voting is supervised by the Governor of New Mexico or his designee. The Governor has designated the Public Employees Retirement Association of New Mexico (PERA) and the State Social Security Administrator, Mary M. Frederick, as her designee to conduct the referendums.
- An exact tabulation of the employees eligible to vote must be made and the results must be certified for the referendum.

To begin the process, a referendum committee is appointed. Most referendum committees are composed of two or three members. The committee will serve as the local representative of PERA. The committee's responsibility is to see that the referendum is conducted according to the above conditions to ensure every eligible employee has the opportunity to vote on a written ballot and to certify the results.

The committee then determines the election date for the individual choice election. The election date is determined by when notice of the election will be given. No less than 90 days notice must be given before the election date.

The following steps need to be taken:

STEP 1:

The governing body passes a **Resolution Regarding Social Security Coverage** authorizing an election on the question of Social Security coverage. If the District also needs an original resolution for the district's files, have the governing body execute two original resolutions.

STEP 2:

Appoint a referendum election committee and have committee members sign the **Notice of Appointment**.

STEP 3:

Prepare a **Social Security Coverage Referendum Roster** of employees who are eligible to vote in the referendum. Eligible employees are employees who are covered by the Public Employees Retirement Association on the date the notice of referendum is given, and who continue in that status through the date of the referendum. Include names and Social Security numbers of all of the eligible voters.

STEP 4:

Prepare and issue a **Notice of Referendum** and distribute the notice at least 90 days before the election date. It is important that every employee receive adequate and timely notice. The notice can be mailed, e-mailed, hand delivered or given to eligible voters in any way that can be reasonably calculated to provide the election information.

Allow at least a week before the election date for early or absentee voting.

IMPORTANT! At this point, mail the original **Resolution Regarding Social Security Coverage** and copies of the **Notice of Appointment**, **Social Security Coverage Referendum Roster** and **Notice of Referendum** to Mary M. Frederick, Social Security Administrator, P.O. Box 2123, Santa Fe, NM 87504-2123.

To ensure that original documents are not lost in the mail, please send the documents by certified mail or some other method where the documents can be tracked.

STEP 5:

During the 90-day notice period, the District's Executive Director should contact Ray Vigil, Social Security Administration Public Affairs / Wage Reporting Specialist, to provide eligible employees with information about Social Security coverage. Mr. Vigil can be contacted at 1-866-563-9310, ext. 27404 (office) or by e-mail at Ray.Vigil@ssa.gov.

STEP 6:

Prepare a ballot for each employee. The election made by each eligible member will be indicated as follows:

1. **YES** - member **desires to be covered** under Social Security.

2. **NO** - member **desires not to be covered** under Social Security OR member **did not execute and return** the referendum ballot. (Member will **not** be covered for Social Security.)

Absentee ballots should be collected and kept in a secure location to be counted on the day of the election.

STEP 7:

On the day of the referendum, the committee will issue ballots to all eligible voters, record the vote of each person, and certify the results of the election. At least one member of the election committee must be present at the voting site for the hours that have been scheduled for voting.

STEP 8:

The election then committee prepares a **Certification** verifying the election vote.

Prepare a **Certification Tally** of each employee voting “for” Social Security coverage (Group A) and each employee voting “against” Social Security coverage (Group B). The **Certification Tally** is Attachment A to the **Certification**. Send copies of the ballots along with the certification. The original ballots should be filed and maintained by you as the employer.

IMPORTANT! Send the original election **Certification**, **Certification Tally** and copies of the ballots to Mary M. Frederick, Social Security Administrator, at PO Box 2123, Santa Fe, NM 87504-2123.

STEP 9:

Notify the SSA of any eligible voters who did not cast a ballot in the election. If an eligible voter does not cast a ballot, their vote is considered a “no” vote for coverage. The SSA will contact employees who did not vote to ensure that they are aware of the consequences of a no vote and termination of Social Security coverage. Note: All employees hired after the election date **MUST** have Social Security coverage.

218 Agreement Modification - The Social Security Administrator will then prepare a Modification to the State’s 218 Agreement representing the results of the District’s election. The Agreement will divide the retirement fund into two parts – those voting for and those voting against continued Social Security coverage.

The Modification is then submitted to the Regional Commissioner of the Social Security Administration for approval. An original is submitted for the District as well so the entity has a signed copy of the Modification for its records when the documents are finalized.

No Social Security contributions can be refunded to those employees who voted “no” on coverage until the fully executed Modification is signed by the regional commissioner

and returned to the Social Security Administrator. At that time, a signed copy of the Modification will be sent to the District and the Internal Revenue Service can be contacted to begin the refund process.

Questions? Please contact the Social Security Administrator if you need any additional information:

Mary M. Frederick
Social Security Administrator
for the State of New Mexico
PO Box 2123
Santa Fe, NM 87504-2 123
(505) 476-9303 direct line / (505) 954-0379 fax
mary.frederick@state.nm.us